



# LAKE COUNTY

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## FLORIDA

### **LAKE COUNTY BOARD OF ADJUSTMENT**

**March 8, 2012**

**PLEASE BRING THIS BOOKLET TO PUBLIC HEARING**



## MEETING INFORMATION

### Location & Time

Lake County Commission  
Chambers  
2<sup>nd</sup> Floor, County  
Administration Building  
315 West Main Street  
Tavares, FL 32778-7800  
**1:00 p.m.**

### Board of Adjustment Members

Donald R. Schreiner,  
Chairman (At-Large  
Representative)

Mary Link Bennett, Vice  
Chair (At-Large  
Representative)

Christopher L. Cheshire  
(District 1)

Robert Peraza (District 2)

Marie Wuenschel (District 3)

Lloyd M. Atkins, Jr. (District  
4)

Craig Covington (District 5)

# BOARD OF ADJUSTMENT

## AGENDA ■ MARCH 8, 2012

The Board of Adjustment reviews applications that have been submitted for a variance to the Land Development Regulations; they approve or deny the applications based upon staff reports and evidence submitted during the hearing, taking into consideration the applicant's and other testimony in favor or against the request, in accordance with section 14.15.00 of the Land Development Regulations.

The Board of Adjustment meetings are held the second Thursday of each month.

### Board of County Commissioners

Jennifer Hill, Vice Chair	District 1
Sean Parks	District 2
Jimmy Conner	District 3
Leslie Campione, Chair	District 4
Welton G. Cadwell	District 5

### County Staff

David Heath, AICP, Deputy County Manager  
Melanie Marsh, Deputy County Attorney  
Erin Hartigan, Assistant County Attorney

### Growth Management Department Staff

Amye King, AICP, Director, Department of Growth Management  
Brian T. Sheahan, AICP, Planning Manager, Division of Planning & Community Design  
Anita Greiner, Chief Planner, Division of Planning & Community Design  
Donald P. Simmons, Planner, Division of Planning & Community Design  
Janie Barron, Associate Planner, Division of Planning & Community Design

**For any questions, comments, or concerns, please contact the Planning & Community Design Division at (352) 343-9641 or email [planning@lakecountyfl.gov](mailto:planning@lakecountyfl.gov).**

All oral and written communication between Board Members and the Public concerning a case are prohibited by Florida Law unless made at the Public Hearing.

If any person decides to appeal any decision made by the Board, a record of the proceedings will be needed. For purposes of appeal, the record of proceedings should be a verbatim record of all proceedings which take place and should include the testimony and evidence upon which any appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of Facilities and Capital Improvement at (352) 343-9760, 48 hours in advance of the scheduled meeting.

## Board of Adjustment

March 8, 2012

1:00 p.m.

- I. Call to Order
- II. Minutes Approval – February 9, 2012
- III. Public Hearings

<b>CASE NO.</b>	<b>OWNER(S)/APPLICANT(S) NAME</b>	<b>AGENDA NO.</b>
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### CONSENT AGENDA:

BOA # 6-12-2	Liberty Baptist Church, Inc. / SCI Towers, LLC	1
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**REQUESTED ACTION:** The applicant is requesting a variance from the **Lake County Land Development Regulations (LDRs) 3.13.07 Setbacks and 15.02.04.J. Architectural Standards** to allow a camouflage communications tower to be located off center on the parent parcel with a maximum height of 175 feet (+/- 4.77 acres).

BOA # 7-12-3	Donald and Edna Welling	2
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**REQUESTED ACTION:** The owners are requesting a variance from the **Lake County Land Development Regulations (LDRs) 3.01.02.A.1.b. Classification of Uses** to allow a single-family dwelling unit to be placed on the subject parcel with a roof pitch that is less than one foot of rise for each four feet of horizontal run (+/- 0.38 acre).

BOA # 8-12-1	Frank and Peggy Hollinger	3
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**REQUESTED ACTION:** The owners are requesting a variance from the **Lake County Land Development Regulations (LDRs) 10.04.01.A. Private Boat Docks and Ramps** to allow the placement of a dock that will not meet the 25-foot setback from the property line (+/- 0.51 acre).

BOA # 9-12-2	John Grainger and Natalie Cockerill	4
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**REQUESTED ACTION:** The applicant is requesting a variance from the **Lake County Land Development Regulations (LDRs) 3.01.02.A.1.b. Classification of Uses** to allow a single-family dwelling unit to be placed on the subject parcel with a roof pitch that is less than one foot of rise for each four feet of horizontal run (+/- 0.63 acre).

- IV. Close





**VARIANCE REQUEST**  
**Presented to**  
**LAKE COUNTY BOARD OF ADJUSTMENT**  
**March 8, 2012**

**CASE NO.:** BOA# 6-12-2  
**OWNERS:** Liberty Baptist Church, Inc.

**AGENDA ITEM #:** 1  
**APPLICANTS:** SCI Towers, LLC

**REQUESTED ACTION:** The applicant is requesting a variance from the **Lake County Land Development Regulations (LDRs) 3.13.07 Setbacks** and **15.02.04.J. Architectural Standards** to allow a camouflage communications tower to be located off center on the parent parcel with a maximum height of 175 feet (+/- 4.77 acres).

**GENERAL LOCATION:** Clermont area – South on SR 19 to US Hwy 27 south, left on US Hwy 27 south to Hammock Ridge Road, right on Hammock Ridge Road to Lakeshore Drive, Hammock Ridge Road merges onto Lakeshore Drive, Lakeshore Drive to True Life Way, left on True Life Way to site on left, AK# 1405335 (Sec. 13, Twp. 23, Rng. 25).



**FUTURE LAND USE DESIGNATION:** Rural Transition

**EXISTING ZONING:** CFD (Community Facilities District)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
<b>North</b>	Rural Transition (1 du / 5 net ac)* (1 du / 3 net ac)** (1 du / 1 net ac)***	R-6 (Urban Residential District) (6 du / acre)	Agricultural
<b>South</b>	Rural Transition (1 du / 5 net ac)* (1 du / 3 net ac)** (1 du / 1 net ac)***	R-6 (Urban Residential District) (6 du / acre)	Agricultural



<b>East</b>	Rural Transition (1 du / 5 net ac)* (1 du / 3 net ac)** (1 du / 1 net ac)***	R-6 (Urban Residential District) (6 du / acre)	Agricultural
<b>West</b>	Rural Transition (1 du / 5 net ac) (1 du / 3 net ac)** (1 du / 1 net ac)***	R-6 (Urban Residential District) (6 du / acre)	Agricultural
<b>DATE POSTED:</b>	February 17, 2012 at True Life Way and Lakeshore Drive, Clermont		

#### 14.15.02 Granting Variances and Appeals

Variances shall be granted when the person subject to the Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For the purposes of this section "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ANALYSIS:** The parcel has been continuously used as a church and cemetery since 1970. In 1988, the church applied for rezoning to Community Facilities District (CFD) in order to align the land use with the zoning. The rezoning allowed for a church, parsonage, cemetery and associated outbuildings. The applicant is proposing a telecommunications tower to be placed to the rear of the existing sanctuary. The telecommunications tower will not be centered on the parent parcel and the tower will also exceed the height limitations by 35 feet.

The parcel is surrounded by citrus groves and is not visible from Lakeshore Drive. The elevation of the hill on which the telecommunications tower will be placed also limits the negative visual impact of the structure. The telecommunications tower will be placed to the rear of existing structures so it will not interfere with the existing development. A copy of the site plan showing the proposed telecommunications tower location is attached (Exhibit "A").

The applicant is proposing to construct this as a camouflage telecommunications tower. The applicant submitted a proposal to the Planning and Community Design Division and the camouflage designation of the tower was confirmed. The telecommunications tower will meet the minimum setback from the property lines and all adjacent structures if it is placed as shown on the site plan. The addition of a

telecommunications tower to the site will require an amendment to the existing CFD zoning to allow for the additional use.

This parcel lies within the City of Clermont Joint Planning Area. The City Council reviewed the request on December 13, 2011 and recommended for approval on the request for a 175 foot tall telecommunications tower with the following conditions:

1. The tower shall be constructed as a camouflage monopole design with flag.
2. A backup generator shall be required for the tower.

The **intent of the Code** (3.13.00) is to adapt to the growing need for wireless communication antennas and towers by being able to act upon requests to place, construct and modify any Wireless Communications Antenna and/or Tower within a reasonable amount of time. The Code also attempts to protect existing land uses from potential adverse visual impacts through sound planning, careful review of applications, proper permitting and adherence to appropriate regulations.

Many other locations were evaluated by the applicant and this location was the preferred location in terms of coverage area in relation to tower height. By keeping the maximum height of the tower to less than 200 feet, the applicant will not be required to light the tower at night. The tower design and placement will minimize the negative impact to the surrounding community.

If the tower is placed in the center of the parcel it will be directly in front of the entrance to the sanctuary and the cemetery. Placement of the tower, and associated equipment buildings, in the center of the parcel will visually and physically interfere with the existing development. The proposed placement of this camouflage tower will not conflict with the intent of the Code.

The applicant submitted the following as proof of meeting the **intent of the Code**:

*"This request meets the Lake County Tower regulations."*

The applicant submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

*"The extension is requested to allow for colocation of additional carriers on a proposed tower. This will reduce the need for additional carriers on a proposed tower. This will reduce the need for additional towers. The limitation of 140' is due to the Clermont Overlay regulations. The City of Clermont has given their approval."*

**FINDINGS OF FACT:** Staff has reviewed the application for this variance request and found:

1. This request is consistent with LDR 15.02.04, which is evidenced by the City of Clermont approval.
2. The request is consistent with LDR 3.13.00, which attempts to protect existing land uses.
3. The request is consistent with LDR 3.13.00, which attempts to respond to the changing telecommunications industry.

The applicant has submitted proof of meeting the intent of the Code and has shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of



Fact and Analysis, Staff recommends **approval** of the variance request to allow the placement of a camouflage communications tower with the following conditions:

1. The communications tower shall be placed as indicated on Exhibit "A".
2. The tower shall be a monopole communications tower, not to exceed 175 feet in height.
3. The tower shall be a camouflage monopole design with a flag.
4. A generator shall be required to provide emergency power to the communications tower.

**WRITTEN COMMENTS FILED:**      **Support: -0-**      **Concern: -0-**      **Oppose: -0-**

### **3.13.07 Setbacks.**

A. Equipment facility and guyed support structures have to meet a setback of twenty-five (25) feet or the Zoning District setback, whichever is greater.

**B. Towers Shall be centered within the boundaries of the Property recognized as the parent parcel on the zoning map by the Department of Growth Management, maintain a minimum setback of one hundred (100) feet from the Property Line and be measured using Global Position System coordinates for the center of the Tower, and if applicable, Shall meet both the requirements below:**

	From R1, R2, R3, R4, R6, R7, R10, RP, RMRP, RM, PUD Zoned Land (or similar municipal zonings) in Urban, Urban Expansion, Rural Village, Mount Plymouth-Sorrento Urban Compact Node, Ridge, Transitional	From any Single Family or Duplex Residential Unit
Lattice	1320 feet	1320 feet
Guyed	1320 feet	1320 feet
<b>Monopole</b>	330 feet	400% of the tower height
Camouflage	100 feet	100 feet

If the Owner of the Property where the Tower is to be located owns Residential units thereon or on surrounding properties (or if such properties are owned by his or her parents or children and they have consented in writing), those units Shall not be taken into consideration when calculating the Setback requirements of this section.

**15.02.04 Architectural standards** Architectural finish and building elevation details for the commercial and industrial areas Shall be submitted and approved by the Development Review Staff prior to any development activity to ensure aesthetic and public safety considerations are properly addressed.

The following design standards Shall apply to all commercial site development until such time as countywide architectural design standards are adopted and agreed to by the City of Clermont.

A. Facades and Exterior Walls:



1. Ground Floor Facades that face public streets Shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length.
2. Facades greater than one hundred (100) feet in length, measured horizontally, Shall incorporate wall plane projections or recesses having a depth of at least three (3) feet. No uninterrupted length of any facade Shall exceed one hundred (100) horizontal feet.
3. The loading areas Shall be properly screened from public view. Proper screening Shall include but is not limited to provision of a minimum ten-foot wide landscape buffer along the side of the building where the loading area is located.

B. Roofs:

1. Parapet walls or other design features Shall be used to conceal flat roofs and rooftop equipment such as HV AC units from public view from all sides of the building. Parapet walls or other design features Shall be constructed at a height of at least one (1) inch above the tallest roof top unit. A metal or other enclosure for rooftop equipment does not constitute screening from public view. The average height of such parapets Shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets Shall not at any point exceed one-third (1/3) of the height of the supporting wall.
2. No uninterrupted length of any roofline or parapet wall Shall exceed one hundred (100) horizontal feet.

C. Materials and colors:

1. The predominant exterior finish Shall be of high quality materials, including, but not limited to, brick, stone, stucco and textured concrete masonry units. The finished surface of the exterior walls Shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
2. Facade colors Shall be low reflective, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors Shall be prohibited.
3. Building trim and accent areas Shall be limited to one (1) primary color. The use of a primary color in the building trim is limited to a one-foot wide band around the building. Neon tubing Shall not be an acceptable feature for building trim or accent areas.

D. Entryways:

1. Each large retail establishment Shall have a clearly defined customer entrance featuring no less than three (3) of the following:
  - a. canopies or porticos;

- b. overhangs;
- c. recesses/projections;
- d. arcades;
- e. peaked roof forms;
- f. arches;
- g. architectural details such as tile work and moldings which are integrated into the building structure and design;
- h. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

E. Outdoor storage:

- 1. All materials stored outside must be within an opaque enclosure. Chain link fencing is prohibited.

F. Building facade landscaping:

- 1. Landscape plantings Shall be provided around the perimeter of buildings in order to break up the monotony of blank expanses of walls and to generally enhance the aesthetics of any building. Landscape areas Shall be provided adjacent to or within twenty-five (25) feet from the building walls visible to the public. The landscape areas Shall extend along sixty (60) percent of the total length of the wall, exclusive of those areas required for direct access to the building. The planting area Shall be at least thirty-six (36) inches in width.

G. Walls: Design and maintenance - walls Shall have a finished top or cap block. All walls visible from the public right-of-way and adjoining properties Shall be designed to incorporate an architectural finish such as stucco, split face block, brick, stone, or other material designed to disguise concrete block, or poured concrete construction.

H. Solid Waste Disposal Collection - Dumpsters, Compactors, etc.: The layout and design of dumpsters and other solid waste facilities (i.e. compactors) Shall comply with the following criteria:

- 1. Enclosure. Each dumpster and compactor location Shall be located behind the front setback of the primary building and Shall be surrounded by a concrete masonry unit enclosure with gates constructed of wood, architectural metal, or other material that is architecturally compatible with the primary building design. The material used Shall provide an opaque screen so the dumpster will not be visible from the outside. Chain link fencing is not permitted. The enclosure Shall exceed the vertical height of the dumpster by at least six (6) inches, with a maximum height of nine (9) feet. The required setback for enclosures Shall be twenty-five (25) feet adjacent to



property that is either zoned or used as residential. The enclosure Shall be constructed using colors and architectural treatments consistent with the structure or facility it serves.

I. Buildings

No single retail establishment may occupy more than one hundred thousand (100,000) square feet. Development proposals for greater than one hundred thousand (100,000) square feet for any single retail establishment may be granted as part of a Planned Unit Development or Planned Commercial rezoning or if granted a variance by the Lake County Board of Adjustment.

J. Cell Towers

All newly installed support structures Shall be camouflaged.

**Height limitations: Support structures and attached antennas Shall not exceed one hundred forty (140) feet in height. Measurement Shall include base pad, structure, and any other attachments.**

Tower Shall not be located within three thousand (3,000) feet of an existing tower, as measured in a straight line.

K. Miscellaneous:

1. Cart returns in the parking lot Shall be provided for those stores that provide shopping carts.
2. Mobile storage systems are metal shipping containers and trailers that are used to store additional inventory outside of the store. Mobile storage systems Shall be prohibited.
3. Chain link fencing Shall be prohibited. Fencing around water retention areas and all other fencing Shall be ornamental metal fencing.

**14.15.00 Variances and Appeals.**

**14.15.01 Purpose of Variances.** Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations consistent with the rules contained in these regulations. This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.



**14.15.02 Generally.** Variances shall be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as, contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ENVIRONMENTAL ISSUE:** N/A

**FLOODPLAIN:** N/A

**JOINT PLANNING AGREEMENT:** City of Clermont

**LAKE APOPKA BASIN:** N/A

**WEKIVA RIVER PROTECTION AREA:** N/A

**TRANSPORTATION IMPROVEMENTS:** N/A

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN:** N/A

BOA# 6-12-2  
Photo Evidence

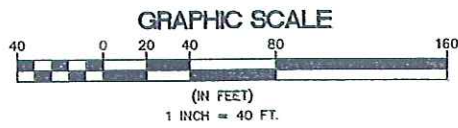


Views of the site



Views of the postings





Legend :

- NAVD '88-NORTH AMERICAN VERTICAL DATUM OF 1988
- C.M.=CONCRETE MONUMENT, NO I.D.
- S.P.=EXISTING SPOT ELEVATION
- B.M.=ELEVATION BENCHMARK
- P.O.C.=POINT OF COMMENCEMENT
- P.O.B.=POINT OF BEGINNING
- SET IR/C-SET 5/8" DIAMETER IRON ROD W/CAP STAMPED "WBZ-LB 8840"
- UBS=LAND & BOUNDARY INFORMATION SYSTEM
- CCR=CERTIFIED CORNER RECORD
- F.F.E.=FINISH FLOOR ELEVATION
- IR/C=IRON ROD WITH CAP
- O.R.B.=OFFICIAL RECORD BOOK
- I.P.=IRON PIPE, NO I.D.
- I.R.=IRON ROD, NO I.D.
- CHW=OVERHEAD WIRES
- R/W=RIGHT OF WAY
- CONC.=CONCRETE
- (D)=DEED DESCRIPTION
- (M)=MEASURED
- (P)=PLAT
- (C)=CALCULATED
- R=RAIUS
- A=CENTRAL ANGLE
- L=ARC LENGTH
- CHD=CHORD
- C.B.=CHORD BEARING
- P.C.=POINT OF CURVATURE
- P.T.=POINT OF TANGENCY
- E=ELEVATION
- SEC=SECTION
- TWP=TOWNSHIP
- RGE=RANGE
- S/D=SUBDIVISION
- CCR=CORNER
- FND=FOUND

Notes :

1. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. ELEVATIONS SHOWN HEREON ARE IN FEET, REFERENCED TO NAVD'88. BENCHMARK=LAKE COUNTY B.M. "LK 189 2003", HAVING A PUBLISHED ELEVATION OF 169.43 FEET NAVD'88.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF WAY OR EASEMENTS OF RECORD.
4. REPRODUCTIONS OF THIS SURVEY ARE NOT VALID WITHOUT THE SIGNATURE & THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.
5. UNDERGROUND UTILITIES AND IMPROVEMENTS NOT LOCATED.
6. BOUNDARY SURVEY IS LIMITED TO LEASE PARCEL SHOWN HEREON.
7. TOPOGRAPHIC SURVEY IS LIMITED TO SPOT ELEVATIONS SHOWN HEREON.
8. LEASE PARCEL AND EASEMENT SHOWN AND DESCRIBED HEREON ORIGINATED BY THIS SURVEY PER CLIENT INSTRUCTION.

DESCRIPTION OF LEASE PARCEL

A parcel of land being a portion of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 13, Township 23 South, Range 25 East, Lake County, Florida, said parcel more particularly described as follows:

COMMENCING at the Northeast corner of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 13, proceed South 00° 58' 41" West along the East line thereof a distance of 85.00 feet; thence North 89° 18' 56" West a distance of 32.00 feet to the POINT OF BEGINNING; thence South 00° 58' 41" West a distance of 60.00 feet; thence North 89° 18' 56" West a distance of 80.00 feet; thence North 00° 58' 41" East a distance of 60.00 feet; thence South 89° 18' 56" East a distance of 30.00 feet to the POINT OF BEGINNING.

Containing an area of 4,800 square feet, or 0.11 acres, more or less.

DESCRIPTION OF 15' INGRESS/EGRESS & UTILITY EASEMENT

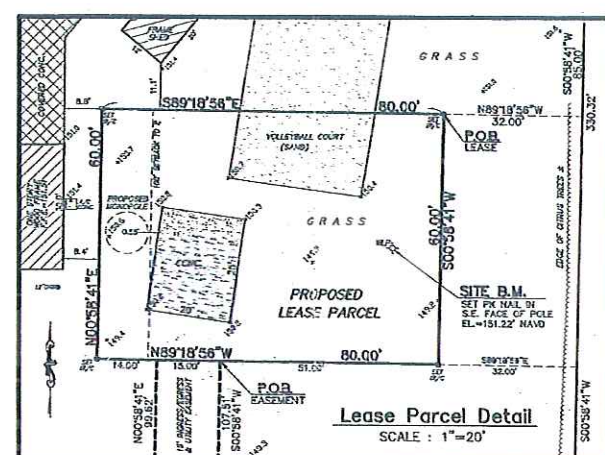
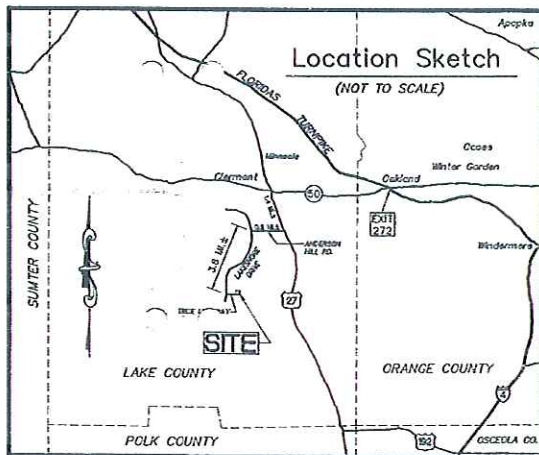
A 15.00' wide strip of land being a portion of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 13, Township 23 South, Range 25 East, Lake County, Florida, said strip more particularly described as follows:

COMMENCING at the Northeast corner of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 13, proceed South 00° 58' 41" West along the East line thereof a distance of 85.00 feet; thence North 89° 18' 56" West a distance of 32.00 feet; thence South 00° 58' 41" West a distance of 60.00 feet; thence North 89° 18' 56" West a distance of 51.00 feet to the POINT OF BEGINNING; thence South 00° 58' 41" West a distance of 107.51 feet; thence South 56° 00' 00" West a distance of 136.88 feet to a point on the South line of said South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 13; thence North 89° 20' 27" West along said South line a distance of 168.37 feet to the Southeast corner of True Life Way (a.k.a. Cemetery Road, 33' foot wide right-of-way); thence North 01° 02' 57" East along the East end of True Life Way right-of-way a distance of 15.00 feet; thence South 89° 20' 27" East, parallel with said South line of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 13, a distance of 163.59 feet; thence North 56° 00' 00" East a distance of 124.39 feet; thence North 00° 58' 41" East a distance of 99.62 feet; thence South 89° 18' 57" East a distance of 15.00 feet to the POINT OF BEGINNING.

Containing an area of 6003 square feet, or 0.14 acres, more or less.

Symbols:

- WLP = WOODEN LIGHT POLE
- WPP = WOODEN POWER POLE
- WSP = WOODEN SERVICE POLE
- WM = WATER METER
- BVP = BACKFLOW PREVENTER VALVE
- HF = FIRE HYDRANT
- TRB = TELEPHONE RISER BOX
- FOP = FIBER OPTIC WARNING POST



PARENT TRACT

4.80 ACRES, +/-

DESCRIPTION OF PARENT TRACT

DESCRIPTION AS REQUIRED IN OFFICIAL RECORDS BOOK 2251, PAGE 1227, LAKE COUNTY, FLORIDA PUBLIC RECORDS

The South half of the Southwest quarter of the Northwest quarter of the Northwest quarter of Section 13, Township 23 South, Range 25 East, less the South 33 feet of the West 300 feet for Cemetery Road 2-0740, ORB 1292, Pg. 2207.

SCATTERED TREES & BRUSH

LESS & EXCEPT PARCEL FOR CEMETERY RD.

UNPLATTED - CITRUS GROVE

UNPLATTED - CITRUS GROVE

**SURVEYORS SIGNATURE & SEAL**

NOTE: THIS SURVEY IS CERTIFIED AS TO THE DATE OF THE FIELD SURVEY, NOT THE SIGNATURE DATE.

WILLIAM B. ZENTZ, PLS.  
REGISTERED LAND SURVEYOR No. 5376  
STATE OF FLORIDA

**William B. Zentz & Associates, Inc.**

**Professional Surveying & Mapping**

CERTIFICATE OF AUTHORIZATION (C.A.) No. 6840  
684 Old Dixie Highway  
Vero Beach, FL 32962  
Phone: (772) 567-7552  
Fax: (772) 567-1751

DATE	REVISION

**Map Of Survey**

**Boundary & Topographic Survey for Site Concepts, Inc.**

**Liberty Baptist Site**

**Lake County, Florida**

DRAWN BY	FIELD BOOK / PAGE	DATE OF LAST FIELD SURVEY	Job No.	SHEET	OF
W.B.Z.	ATC 2/44	12/7/11	188-003	1	1



**Final Development Order  
Liberty Baptist Church INC. / SCI Towers, LLC  
BOA # 6-12-2**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Liberty Baptist Church, Inc. (the "Owners") made a request to allow a camouflage communications tower to be located off center on the parent parcel with a maximum height of 175 feet; and

**WHEREAS**, the subject property consists of 4.77 acres +/- and is generally located south of Clermont in Section 3, Township 23 South, Range 25 East, being composed of Alternate Key Number 1405335, and more particularly described as:

SOUTH 1/2 OF SOUTHWEST 1/4 OF NORTHWEST 1/4 OF  
NORTHWEST 1/4--LESS SOUTH 33 FEET OF WEST 300 FEET  
FOR CEMETERY ROAD 2-0740 SECTION 13, TOWNSHIP 23  
SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

**AND**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on March 8, 2012; and

**WHEREAS**, the Board of Adjustment reviewed said petition, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on March 8, 2012, the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 6-12-2 to allow the placement of a camouflage communications tower with the following conditions:

1. The communications tower shall be placed as indicated on Exhibit "A".
2. The tower shall be a monopole communications tower, not to exceed 175 feet in height.
3. The tower shall be a camouflage monopole design with a flag.
4. A generator shall be required to provide emergency power to the communications tower.

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date.** This Ordinance shall become effective as provided by law.

ENACTED this 8<sup>th</sup> day of March, 2012.

EFFECTIVE March 8, 2012.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Donald Schreiner, Chairman

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this March 8, 2012 by DONALD SCHREINER, who is personally known to me.  
(SEAL)

\_\_\_\_\_  
Signature of Acknowledger

Serial Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**VARIANCE REQUEST**  
**Presented to**  
**LAKE COUNTY BOARD OF ADJUSTMENT**  
**March 8, 2012**

**CASE NO.:** BOA# 7-12-3

**AGENDA ITEM #:** 2

**OWNERS & APPLICANTS:** Donald P. Welling and Edna M. Welling

**REQUESTED ACTION:** The owners are requesting a variance from the **Lake County Land Development Regulations (LDRs) 3.01.02.A.1.b. Classification of Uses** to allow a single-family dwelling unit to be placed on the subject parcel with a roof pitch that is less than one foot of rise for each four feet of horizontal run (+/- 0.38 acre).

**GENERAL LOCATION:** Tavares area – North on SR 19 to US Hwy 441 west, left on US Hwy 441 west to Bluegill Drive, left on Bluegill Drive to Shellcracker Drive, right on Shellcracker Drive to Margaret Drive, the parcel is north and west of Margaret Drive and Shellcracker Drive, AK# 1495881 (Sec. 23, Twp. 19, Rng. 25).



**FUTURE LAND USE DESIGNATION:** Urban Low

**EXISTING ZONING:** R-1 (Rural Residential)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	City of Leesburg	City of Leesburg	US Hwy 441
South	Urban Low (4 du / acre)	R-1 (Rural Residential) (1 du / acre)	Single-Family Dwelling Unit
East	Urban Low (4 du / acre)	R-1 (Rural Residential) (1 du / acre)	Single-Family Dwelling Unit
West	Urban Low (4 du / acre)	R-1 (Rural Residential) (1 du / acre)	Vacant



**DATE  
POSTED:**

February 17, 2012 at Shellcracker Drive and Harris Road, Tavares

#### **14.15.02 Granting Variances and Appeals**

Variances shall be granted when the person subject to the Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For the purposes of this section "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ANALYSIS:** The owners recently purchased lot 78 in Spark's Village with the intent of constructing their custom single-family dwelling unit. The proposed home calls for simple concrete construction with some unique "green" features. The home will be a concrete block structure with the use of soil as additional insulation. Soil will be backfilled on two sides of the home that are exposed to solar radiation. The owners also intend to place a layer of soil on the roof to create a living-green roof. Due to the design of the roof the owners are unable to maintain the minimum pitch requirement of one foot of rise for each four feet of horizontal run.

This will not be the first green home that the owners have constructed. In their former home state they constructed and lived in a very similar design for many years. The benefits of a home of this design are reduced energy costs and increased safety in the event of a storm. The design does require additional planning prior to construction to ensure adequate ventilation and humidity controls are installed. A drawing detailing the design and floor plan is attached (Exhibit "A").

The owners are proposing a low slope roof that falls 1/3" per linear foot. This is achieved through the use of metal forms, covered in concrete. The concrete is allowed to cure and is then covered with a rubberized membrane that makes it impervious to water. This composite roof is then capped by an eight inch thick layer of soil, and is planted with drought resistant wildflowers. The proposed roof slope will be required to meet the Florida Building Code.

The **intent of the Code** (3.01.02) is to allow development and use of property in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan. This regulation attempts to encourage a logical development pattern with minimum standards in each zoning district.



Spark's Village is developed with many different types of architectural styles. The exterior finish of this single-family dwelling unit will be similar to many of the homes in the area. The sloped soil berms on the sides of the home will be placed in the rear of the home and will be hidden by decorative walls. The single-family dwelling unit will meet all applicable setbacks from the parcels boundary. Without a low slope roof the owners will be unable to complete the green design with a living roof.

The owners submitted the following as proof of meeting the **intent of the Code**:

*"This new construction method will demonstrate a stronger, safer and more durable roof than the land development regulation requires, and will add to knowledge of better construction methods. It promotes green ecology-friendly construction and will be esthetically pleasing."*

The owners submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

*"The code requires a 3-12 pitch for the roof of our planned residence, which is too steep to control erosion of the eight inches of earth we plan to put on the roof."*

*We plan a composite steel and concrete roof, slightly sloped for drainage, with a waterproof membrane, 1 ½ inches of rigid foam insulation and 8 inches of earth on top.*

*This very strong fireproof roof and concrete walls of the residence will protect the inhabitants from termites, falling trees, fire, hail, hurricanes, tornadoes, civil unrest and other threats and dangers.*

*We want to be secure and safe in our residence and we want to be a friend to the earth that surrounds the house. We will encourage native plant growth on the roof and we will preserve the big trees on the building site, whose proximity would be a threat to a wooden roof during a hurricane or tornado.*

*A waterproof membrane, consisting of an aluminum sheet, two plastic layers, and a layer of flexible stretchable stocky rubberized asphalt, will protect this composite steel roof.*

*The insulation will be protected by eight inches of earth with native plants growing on it. The roof will be gently sloped, one inch for each three feet, to allow proper drainage. A steeper pitched earth-covered roof would be subject to constant erosion.*

*We plan an earth berm on two sides of the house, which will help keep the house cool in the summer and warm in the winter. This will save much of the cost of coal generated electricity.*

*A similar house that we built in Kansas is very comfortable, while the total electric bills average about thirty dollars per month.*

*With the roof protected by the earth, we won't need to replace shingles every fifteen years or so.*

*A wooden roof will not protect the residents from termites, fire, hail, falling trees, some hurricanes and all tornadoes that strike it. A wooden roof will contribute about two tons of worn out roof shingles and trash to the landfill periodically.*



*We plan to invite our neighbors to join us for safety when tornadoes and hurricanes threaten. Some castles in Europe are a thousand years old. We expect our new house to exceed that. The earth on our roof will last forever."*

**FINDINGS OF FACT:** Staff has reviewed the application for this variance request and found:

1. This request is consistent with Comprehensive Plan Policy I-3.2.2, which recognizes residential uses as a typical use.
2. The request is inconsistent with LDR 3.01.02, which requires minimum standards for residential structures.

The owners have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis, Staff recommends **approval** of the variance request to allow a single-family dwelling unit to be placed on the subject parcel with a roof pitch that is less than one foot of rise for each four feet of horizontal run with the following condition:

- The roof pitch shall meet the Florida Building Code, as amended

**WRITTEN COMMENTS FILED:**      **Support: -0-**      **Concern: -0-**      **Oppose: -0-**

### **3.01.02 Classification of Uses.**

#### **A. Residential Uses:**

**1. Single-Family Dwelling Unit. One (1) Dwelling Unit, including modular and mobile homes, that may be detached from any other Dwelling Unit or may be attached to another single-family Dwelling Unit on an adjacent Lot by a common party wall.**

a. Single-Family Dwelling Units Shall have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, Carports or utility area. Prior to the issuance of any Building or use Permits, site plans set forth under the general provision section Shall be submitted to the County Manager or designee for his approval.

**b. The pitch of the main roof Shall not be less than one (1) foot of rise for each four (4) feet of horizontal run and a minimal overhang of six (6) inches. Installed gutter may be counted as part of the six (6) inch overhang.**

c. A solid foundation or Permanent skirting Shall be required around the perimeter of the unit.

d. Any wheels, tongue or any transportation apparatus must be removed or enclosed.

### **14.15.00 Variances and Appeals.**

**14.15.01 Purpose of Variances.** Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations consistent with the rules contained in these regulations. This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.

**14.15.02 Generally.** Variances shall be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as, contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ENVIRONMENTAL ISSUE:** N/A

**FLOODPLAIN:** N/A

**JOINT PLANNING AGREEMENT:** N/A

**LAKE APOPKA BASIN:** N/A

**WEKIVA RIVER PROTECTION AREA:** N/A

**TRANSPORTATION IMPROVEMENTS:** N/A

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN:** N/A



BOA# 7-12-3  
Photo Evidence

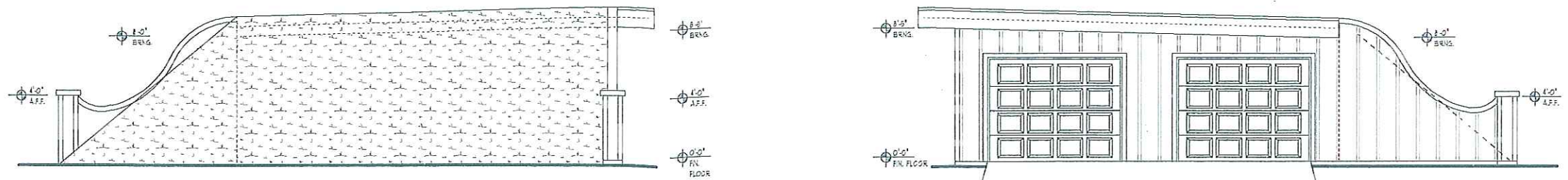


Views of the site



Views of the postings



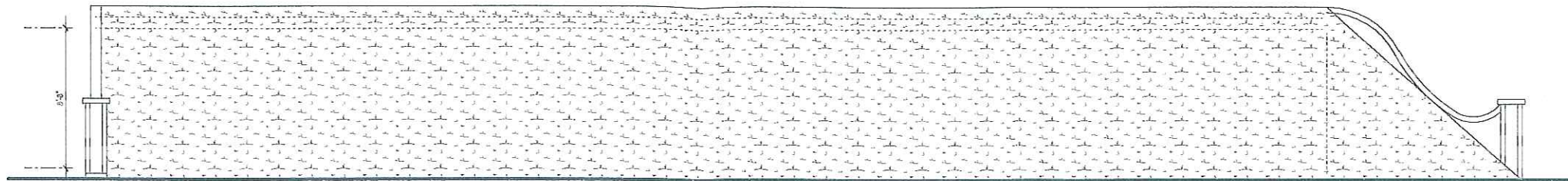


LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

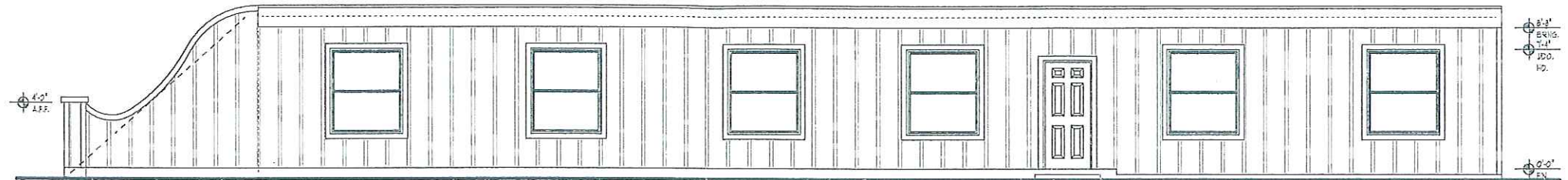
RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



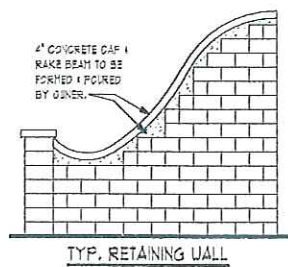
REAR ELEVATION

SCALE: 1/4" = 1'-0"

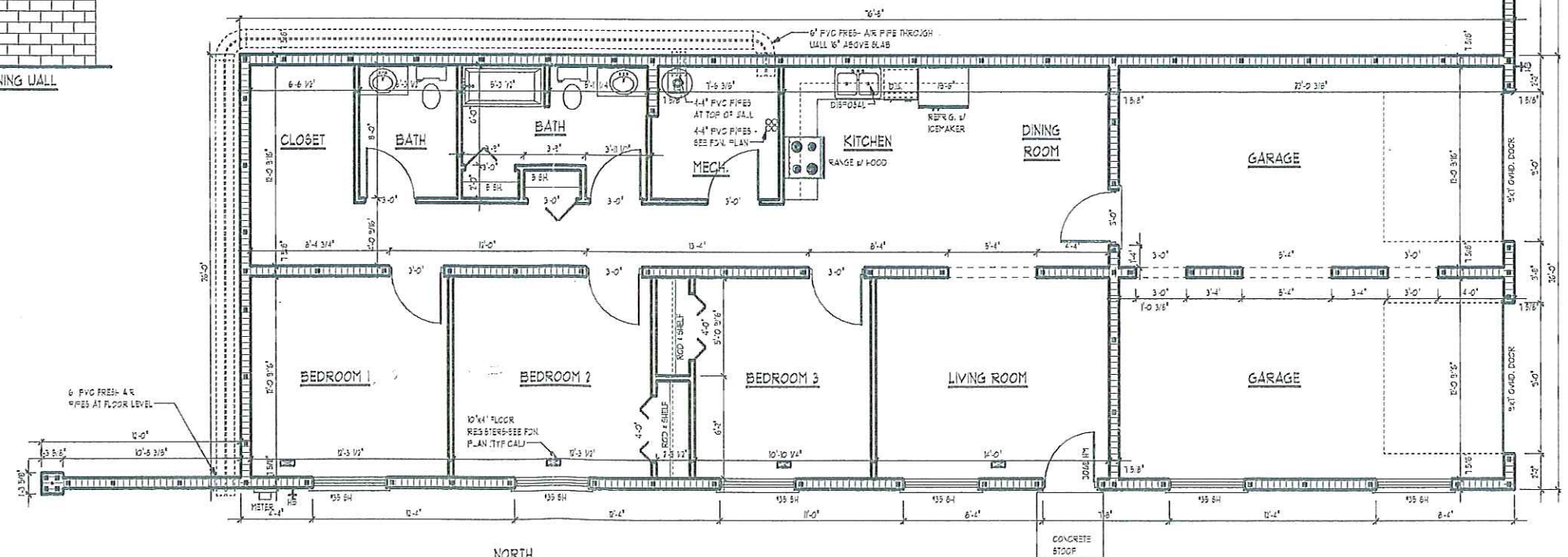


FRONT ELEVATION

SCALE: 1/4" = 1'-0"



TYP. RETAINING WALL



FLOOR PLAN

SCALE: 1/4" = 1'-0"



A NEW RESIDENCE FOR:  
**DON & EDNA WELLING**  
LEESBURG, FLORIDA

PREPARED BY  
**W. DAVID ARNOLD**  
ARCHITECT  
106 PORTLAND STREET  
EUSTIS, FLORIDA 32726  
(352) 357-5807 / 8456 FAX  
www.dambarnold.com  
FL REG NO. AR00033558

REVISIONS:  
  
DRAWN BY  
SO  
CHECKED BY  
LDA  
DATE  
PROJECT NO.  
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SHEET  
2  
OF  
2

BOA# 7-12-3  
EXHIBIT "A"



**Final Development Order  
Donald P. Welling and Edna M. Welling  
BOA # 7-12-3**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Donald P. Welling and Edna M. Welling (the "Owners") made a request to allow a single-family dwelling unit to be placed on the subject parcel with a roof pitch that is less than one foot of rise for each four feet of horizontal run; and

**WHEREAS**, the subject property consists of 0.38 acre +/- and is generally located west of Tavares in Section 23, Township 19 South, Range 25 East, being composed of Alternate Key Number 1495881, and more particularly described as:

LOT 78, SPARKS VILLAGE, ACCORDING TO THE PLAT  
THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 58, OF  
THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

**AND**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on March 8, 2012; and

**WHEREAS**, the Board of Adjustment reviewed said petition, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on March 8, the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 7-12-3 to allow the placement of a single-family dwelling unit with a roof pitch that is less than one foot of rise for each four feet of horizontal run on the subject parcel with the following condition:

- The roof pitch shall meet the Florida Building Code, as amended

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date.** This Ordinance shall become effective as provided by law.

ENACTED this 8<sup>th</sup> day of March, 2012.

EFFECTIVE March 8, 2012.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Donald Schreiner, Chairman

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this March 8, 2012 by DONALD SCHREINER, who is personally known to me.  
(SEAL)

\_\_\_\_\_  
Signature of Acknowledger

Serial Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





**VARIANCE REQUEST**  
Presented to  
**LAKE COUNTY BOARD OF ADJUSTMENT**  
**March 8, 2012**

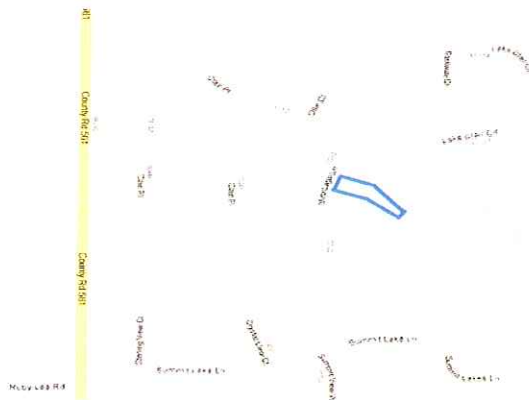
**CASE NO.:** BOA# 8-12-1

**AGENDA ITEM #:** 3

**OWNERS & APPLICANTS:** Frank Hollinger and Peggy Hollinger

**REQUESTED ACTION:** The owners are requesting a variance from the **Lake County Land Development Regulations (LDRs) 10.04.01.A. Private Boat Docks and Ramps** to allow the placement of a dock that will not meet the 25-foot setback from the property line (+/- 0.51 acre).

**GENERAL LOCATION:** Clermont area – South on US Hwy 27 south to SR 50, right on SR 50 west to CR 561 south, left on CR 561 south to Clair Place, left on Clair Place, Clair Place becomes Miro Lago Lane to site, Address #10541 Miro Lago Lane, AK# 3745736 (Sec. 2, Twp. 23, Rng. 25).



**FUTURE LAND USE DESIGNATION:** Urban Low

**EXISTING ZONING:** R-3 (Medium Residential District)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
<b>North</b>	Urban Low (4 du / net acre)	R-3 (Medium Residential District) (3 du / acre)	Single-Family Dwelling Unit
<b>South</b>	Urban Low (4 du / net acre)	R-3 (Medium Residential District) (3 du / acre)	Single-Family Dwelling Unit
<b>East</b>	Unnamed Lake	Unnamed Lake	Unnamed Lake
<b>West</b>	Urban Low (4 du / net acre))	R-3 (Medium Residential District) (3 du / acre)	Single-Family Dwelling Unit
<b>DATE POSTED:</b>	February 17, 2012 at Clair Place and CR 561, Clermont		

#### **14.15.02 Granting Variances and Appeals**

Variances shall be granted when the person subject to the Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For the purposes of this section "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ANALYSIS:** The owner's purchased their parcel in Lake Clair Place Subdivision in 1999. Their parcel is one of seven waterfront parcels in the subdivision. They are now proposing the addition of a 64-square-foot wooden platform with an 80-square-foot floating dock attached. Since the property narrows as it approaches the water, the dock will not meet the minimum side setbacks of 25 feet. Therefore, a variance to the Code is needed.

The Code requires a 25-foot setback for docks within the R-3 zoning district; the owner's property is 41 feet wide at the water's edge, if the dock (4 foot wide and 16 feet long) is centered on their lot, they will maintain a setback of 18.5 feet from their side property lines.

The parcel was developed with a single-family dwelling unit in 1999. Directly to the rear of the home is a drainage easement that is maintained by the homeowners association. This drainage easement interrupts a 20 foot elevation change from the rear of the home to the water's edge. Behind the drainage easement there is a conservation easement that continues to the water's edge of the parcel. The distance from the home to the water's edge is approximately 200 feet. Wetlands and flood zone "A" exist on the parcel, but will not be negatively impacted by the addition of a dock. A copy of the plot plan detailing the location of the dock is attached (Exhibit "A").

The **intent of the Code (Chapter X)** is to regulate the installation, configuration, and use of accessory structures in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

The dock will not be visible from the homes in Lake Clair Subdivision due to the 20 foot elevation change from the rear of the parcel to the water's edge. The rear of the homes to the water's edge is in excess of 200 feet. The addition of a small dock will not negatively affect the neighboring properties.

The owners submitted the following as proof of meeting the **intent of the Code**:



*"The dock will be an accessory structure to an existing residence. The dock will be centered on the property which will have less of an impact on neighboring properties. There are no adjoining docks. Dock is only 64 sq.ft. No visual impact On neighboring properties. Neighboring properties are 250 ft. from dock and elevated at least 25 ft. above dock location."*

The owners submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

*"Unable to meet 25' setback since lot is only 41 ft. wide at waters edge."*

**FINDINGS OF FACT:** Staff has reviewed the application for this variance request and found:

1. This request is consistent with Comprehensive Plan Policy III-2.2.7 Protection of Shorelines, which allows dock, platforms and pile supported walkways.
2. The request is consistent with LDR 10.00.00, which allows for accessory structures, which are not harmful to surrounding residents.

The owner has submitted proof of meeting the intent of the Code and has shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis, Staff recommends **approval** of the variance request to allow the placement of a dock that will not meet the 25-foot setback from the property line with the following condition:

- The dock shall be centered between the side lot lines.

**WRITTEN COMMENTS FILED:**      Support: -0-      Concern: -0-      Oppose: -0-

#### **10.04.00 - Boat Docks and Ramps**

##### **10.04.01 Private Boat Docks and Ramps**

- A. Private boat docks and ramps Shall be Permitted as an Accessory use within all residential zoning districts. Private boat docks and ramps Shall meet the front and side Setback requirements of the residential zoning district within which they are located; and in the R-3 Medium Residential District, the side Setback Shall be twenty-five (25) feet from the property line.
- B. A common private boat dock or ramp for the private use of two (2) or more Lots Shall be encouraged and Shall meet the Setback requirements of the zoning district in which it is located (see Table 3.02.05). However, the Setbacks Shall be applied from the two (2) outermost property lines of the Lots upon which the dock or ramp is located, i.e., not from the internal property lines of the Lots which are sharing the dock or ramp.
- C. Private boat docks and ramps Shall only be Permitted as an Accessory use on the residential Lot on which the main residential Structure is located or on a Lot owned by the property Owner and adjacent and contiguous to the residential Lot. A Lot Shall be considered adjacent and contiguous if a substantial part of the Lot actually touches the first residential Lot or is separated by a Road Right-of-

Way which physically divides both Lots. Private boat docks and ramps Shall not be Permitted on Lots that are not adjacent and contiguous to the residential Lot on which the residential Structure is located.

#### **14.15.00 Variances and Appeals.**

**14.15.01 Purpose of Variances.** Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations consistent with the rules contained in these regulations. This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.

**14.15.02 Generally.** Variances shall be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as, contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ENVIRONMENTAL ISSUE:** There are jurisdictional wetlands on the parcel.

**FLOODPLAIN:** There are portions of the parcel in Flood Zone "A"

**JOINT PLANNING AGREEMENT:** N/A

**LAKE APOPKA BASIN:** N/A

**WEKIVA RIVER PROTECTION AREA:** N/A

**TRANSPORTATION IMPROVEMENTS:** N/A

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN:** N/A



BOA# 8-12-1  
Photo Evidence



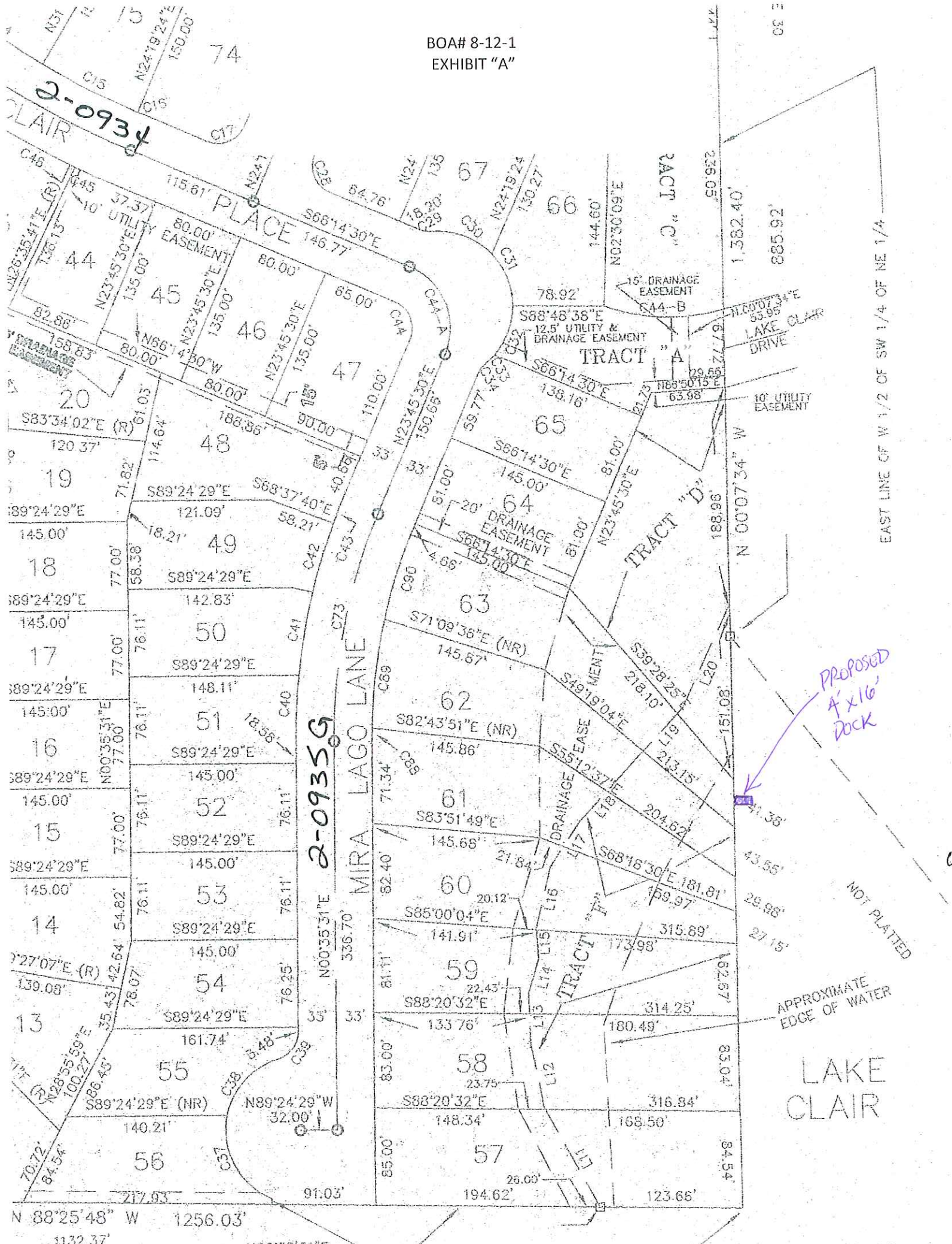
Views of the site



Views of the postings



BOA# 8-12-1  
EXHIBIT "A"





**Final Development Order  
Frank and Peggy Hollinger  
BOA # 8-12-1**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Frank and Peggy Hollinger (the "Owners") made a request to allow the placement of a dock that will not meet the 25-foot setback from the property line; and

**WHEREAS**, the subject property consists of 0.51 acre +/- and is generally located south of Clermont in Section 2, Township 23 South, Range 25 East, being composed of Alternate Key Number 3745736, and more particularly described as:

LAKE CLAIR PLACE SUBDIVISION LOT 63 PB 37 PGS 75-76

**AND**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on March 8, 2012; and

**WHEREAS**, the Board of Adjustment reviewed said petition, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on March 8, 2012, the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 8-12-1 to allow the placement of a dock that will not meet the 25-foot setback from the property line with the following condition:

- The dock shall be centered between the side lot lines.

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date.** This Ordinance shall become effective as provided by law.

**ENACTED** this 8<sup>th</sup> day of March, 2012.

**EFFECTIVE** March 8, 2012.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Donald Schreiner, Chairman

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this March 8, 2012 by DONALD SCHREINER, who is personally known to me.  
(SEAL)

\_\_\_\_\_  
Signature of Acknowledger

Serial Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





**VARIANCE REQUEST**  
Presented to  
**LAKE COUNTY BOARD OF ADJUSTMENT**  
**March 8, 2012**

**CASE NO.:** BOA# 9-12-2

**OWNERS:** Natalie Cockerill and John Grainger

**AGENDA ITEM #:** 4

**APPLICANT:** Natalie Cockerill

**REQUESTED ACTION:** The applicant is requesting a variance from the **Lake County Land Development Regulations (LDRs) 3.01.02.A.1.b. Classification of Uses** to allow a single-family dwelling unit to be placed on the subject parcel with a roof pitch that is less than one foot of rise for each four feet of horizontal run (+/- 0.68 acre).

**GENERAL LOCATION:** Clermont area – South on US Hwy 27 to Anderson Hill Road, right on Anderson Hill Road to Lakeshore Drive, right on Lakeshore Drive to second vacant parcel north of Brunello Circle, AK# 3034805 (Sec. 31, Twp. 22, Rng. 26).



**FUTURE LAND USE DESIGNATION:** Urban Low  
**EXISTING ZONING:** R-6 (Urban Residential District)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
<b>North</b>	Urban Low (4 du / net ac)	R-1 (Rural Residential) (1 du / ac) R-6 (Urban Residential District) (6 du / ac)	Single-Family Dwelling Unit / Vacant
<b>South</b>	Urban Low (4 du / net ac)	R-3 (Medium Residential District) (3 du / ac)	Single-Family Dwelling Unit / Retention Pond
<b>East</b>	Urban Low (4 du / net ac)	R-3 (Medium Residential District) (3 du / ac)	Single-Family Dwelling Unit
<b>West</b>	Lake Minnehaha	Lake Minnehaha	Lake Minnehaha
<b>DATE POSTED:</b>	February 17, 2012 at Lakeshore Drive and Brunello Circle, Clermont		

#### **14.15.02 Granting Variances and Appeals**

Variances shall be granted when the person subject to the Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For the purposes of this section "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ANALYSIS:** The owners purchased this lakefront parcel in February 2012, with the intent to build a single-family dwelling unit. The proposed single-family unit will be built in a modern, contemporary style. This style of design is recognized by clean lines, smooth and polished surfaces, and few intricate details. Modern, contemporary design is typically built with a low slope roof to provide the desired outward appearance. Since the slope of the roof will be less than one foot of vertical rise to four feet of horizontal run, a variance to the Code is required.

The single-family dwelling unit will be a two-story home with a detached garage. The structure will have large expansive windows and façades and a square appearance with few angles that are not 90 degrees. Exterior finishes and intricate decorative embellishments will be limited to provide a clean design. An artist rendering of the proposed single-family dwelling unit is attached (Exhibit "A").

The applicant is proposing a low slope roof that falls 3/8" per linear foot. This will be achieved through the use of decked wooden trusses covered with a waterproof membrane. The exact specification of the building material will be determined at the final design of the engineered plans. The applicant is requesting a variance to the Land Development Regulations requires a roof pitch that is greater than one foot of rise for each four feet of horizontal run. The proposed roof slope will be required to meet the Florida Building Code.

The **intent of the Code** (3.01.02) is to allow development and use of property in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan. This regulation attempts to encourage a logical development pattern with minimum standards in each zoning district.

The applicant will be building a modern, contemporary home design that relies on the appearance of a low slope roof. The use of a 36-inch façade around the top will further reinforce this square exterior appearance. The structural components of the roof will not be visible from the exterior and the façade will hide the roof even if it meets the slope requirement. A low slope roof will reduce the costs of engineering and constructing this modern, contemporary design. All applicable setbacks will be met.



The applicant submitted the following as proof of meeting the **intent of the Code**:

*"Due to the design having a façade even if we built a 3/12 slope the home would appear from all aspects to have a flat roof. The home is set back 140 feet from the road side + hedge to south neighboring property + large fence to east."*

The applicant submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

*"Before entering escrow on our property I contacted Lake County to enquire about planning/zoning restrictions as property has no HOA. I was told no issues with a Modern Contemporary design with flat roof just max roof height of 36" feet. I was careful to make enquires to lake County as purchasing this property was with the specific intend to build my families modern dram home. We would like our home to resemble our personality and attitude to life, modern bright and with an emphasis on nature and living in harmony with nature. So the lot and the design are of huge importance to us. We paid a \$10,500 escrow payment non refundable and contracted to work with a Reputable Architect and Structural Engineer the cost of which will be in the range of \$13,000 range, so to date our investment has been a large one.*

*Today we closed on the transaction knowing we had to apply for a variance, as we were trapped by the amount of financial and emotional investment made. Having already spent so much on professional fees, escrow deposit and personal family time this is our only option. Most modern designs have what look to be flat roofs and the design already created will be ruined by adding a traditional roof. Modern minimalist styles are synonymous with a flat roof.*

*The design started with all of our family being involved with all of our family being involved with the whole process, including our plans to have sports area on the land towards the rear of the property, as our boys are all avid sportsmen. A real family home that we can be proud of and that reflects our personalities and unique style is our ultimate goal.*

*I can assure you via our 3D drawings that the home will be a tasteful building with a minimal elegance. It will not resemble a temporary building of any kind.*

*I have included a lot of photos of properties close to 12748 Lakeshore Dr. The area is a huge design melting pot of various styles, Ranch, Contemporary, Colonial, Domed Roof, and Mediterranean. Single storey, two storeys some close and some set back like ours will be by 140ft from the roads edge. As by the nature of homes not on predesigned HOA's the houses reflct the personal style and tastes of the owners, the flexibility generally afforded by purchasing land not on a HOA community. Likely the reason why many owners decided to buy the land in the first place, freedom of choice and self expression.*

*I hope you will allow my family to build a tasteful modern home.*

*Yours Sincerely,*

*Natalie Cockerill "*

**FINDINGS OF FACT:** Staff has reviewed the application for this variance request and found:

- The request is consistent with LDR 3.01.02, which attempts to protect surrounding properties and uses.

The applicant has submitted proof of meeting the intent of the Code and has shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis, Staff recommends **approval** of the variance request to allow a single-family dwelling unit to be placed on the subject parcel with a roof pitch that is less than one foot of rise for each four feet of horizontal run with the following condition:

- The roof pitch shall meet the Florida Building Code, as amended

**WRITTEN COMMENTS FILED:**      **Support: -0-**      **Concern: -0-**      **Oppose: -0-**

### **3.01.02 Classification of Uses.**

#### **A. Residential Uses:**

**1. Single-Family Dwelling Unit. One (1) Dwelling Unit, including modular and mobile homes, that may be detached from any other Dwelling Unit or may be attached to another single-family Dwelling Unit on an adjacent Lot by a common party wall.**

a. Single-Family Dwelling Units Shall have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, Carports or utility area. Prior to the issuance of any Building or use Permits, site plans set forth under the general provision section Shall be submitted to the County Manager or designee for his approval.

**b. The pitch of the main roof Shall not be less than one (1) foot of rise for each four (4) feet of horizontal run and a minimal overhang of six (6) inches. Installed gutter may be counted as part of the six (6) inch overhang.**

c. A solid foundation or Permanent skirting Shall be required around the perimeter of the unit.

d. Any wheels, tongue or any transportation apparatus must be removed or enclosed.

### **14.15.00 Variances and Appeals.**

**14.15.01 Purpose of Variances.** Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations consistent with the rules contained in these regulations.



This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.

**14.15.02 Generally.** Variances shall be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as, contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ENVIRONMENTAL ISSUE:** There are Jurisdictional Wetlands on the parcel.

**FLOODPLAIN:** There are areas of Flood Zone "A" on the parcel.

**JOINT PLANNING AGREEMENT:** N/A

**LAKE APOPKA BASIN:** N/A

**WEKIVA RIVER PROTECTION AREA:** N/A

**TRANSPORTATION IMPROVEMENTS:** N/A

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN:** N/A

BOA# 9-12-2  
Photo Evidence



Views of the site



Views of the postings



BOA# 9-12-2  
EXHIBIT "A"





**Final Development Order  
Natalie Cockerill and John Grainger  
BOA # 9-12-2**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Natalie Cockerill and John Grainger (the "Owners") made a request to allow a single-family dwelling unit to be placed on the subject parcel with a roof pitch that is less than one foot of rise for each four feet of horizontal run; and

**WHEREAS**, the subject property consists of 0.63 acre +/- and is generally located south of Clermont in Section 31, Township 22 South, Range 26 East, being composed of Alternate Key Number 3034805, and more particularly described as:

FROM SE COR OF MINNEHAHA BEACH PART REPL SUB  
RUN N 89-32-0 W 841.58 FT FOR POB, RUN S 01-43-47 E  
ALONG BOUNDARY LINE OF TUSCANY ESTATES AT THE  
LAKES PB 55 PG 56 A DIST OF 160.52 FT, N 89-17-53 W  
242.63 FT TO E R/W LINE OF LAKESHORE DR, N 0-04-33 W  
ALONG SAID E R/W LINE 79.41 FT & PT B, S 89-31-59 E  
160.31 FT, N 01-44-04 W 80.06 FT TO S LINE OF MINNEHAHA  
BEACH PLAT, S 89-31-59 E ALONG SAID S LINE OF PLAT A  
DIST OF 80 FT TO POB, GO BACK TO PT B, RUN N 89-31-59  
W TO W R/W LINE OF LAKESHORE DR FOR POB, RUN N 89-  
31-59 W 11 FT TO A POINT ON SHORELINE OF LAKE  
MINNEHAHA & PT C, RETURN TO POB, RUN S 0-04-33 E  
ALONG SAID W R/W LINE 79.14 FT, N 89-17-53 W 8 FT TO  
SHORELINE OF LAKE MINNEHAHA, N'LY ALONG SAID  
SHORELINE OF LAKE TO PT C

**AND**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on March 8, 2012; and

**WHEREAS**, the Board of Adjustment reviewed said petition, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on March 8, 2012 the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property subject to the following terms:



**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 9-12-2 to allow the placement of a single-family dwelling unit with a roof pitch that is less than one foot of rise for each four feet of horizontal run on the subject parcel with the following condition:

- The roof pitch shall meet the Florida Building Code, as amended

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date.** This Ordinance shall become effective as provided by law.

ENACTED this 8<sup>th</sup> day of March, 2012.

EFFECTIVE March 8, 2012.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Donald Schreiner, Chairman

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this March 8, 2012 by DONALD SCHREINER, who is personally known to me.  
(SEAL)

\_\_\_\_\_  
Signature of Acknowledger

Serial Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_